

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO: 7429 of 2007

Date: 09-10-2007

Between:

P.Suresh Babu

..... PETITIONER

AND

State of Andhra Pradesh,
Rep., by its Secretary,
Revenue Department,
Hyderabad and 5 others.

.....RESPONDENTS

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THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO: 7429 of 2007
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ORDER:

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In this writ petition, petitioner seeks a direction by way of certiorari to call for the records relating to the note dated 14-11-2006 issued by the second respondent to the third respondent and a further direction to the third respondent to accept the documents and register the sale deed in respect of the land admeasuring Ac.6.00 of land covered by Sy.No.417/6 situated in Gandrajupalle Village of Gangavaram Mandal, Chittoor District.

In the affidavit filed in support of the writ petition, it is stated that the 4th respondent is owner of the agricultural land admeasuring Acs.6.00 covered in Sy.No.417/6 situated in Gandrajupalle Village of Gangavaram Mandal, Chittoor District. He along with respondents 5 and 6 entered into an agreement of sale on 16-10-2006 by accepting advance amount of Rs.50,000/-. It is further stated that after another amount of Rs.1 lakh is received, when they wanted to execute sale deed and presented the document for registration the third respondent has refused to accept the said document basing on the note, which was circulated by the second respondent.

Though it is alleged by the petitioners that the third respondent refused to receive the documents, however, there is no order recording any reason for not accepting the said document. If there is any objection for registration, the registering authority can very well record reasons as

contemplated under Section 71 of the Registration Act, 1908, but at the threshold it cannot refuse to receive the document which is being presented by the parties.

As much as in the instant case, no order has been passed and no reasons are recorded by the Sub-Registrar, I dispose of the writ petition directing the third respondent to accept the sale deed which is to be presented by the respondents 4 to 6 in favour of the petitioner with regard to sale of the property covered by Sy.No.417/6 of Gandrajupalle village, Gangavaram Mandal, Chittoor District admeasuring Ac.6.00 cents and consider the same for registration. However, it is made clear that such consideration shall be in accordance with the provisions of the Stamp Act, and also the provisions of the Registration Act, 1908 and the Rules made thereunder. If there are any objections to consider for registering such document, it is open for the registering authority to record reasons for refusal and communicate the same to the petitioner.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

R.SUBHASH REDDY,J

Date: 09-10-2007
KLP